

trust fund in the purchase of 222 shares of the capital stock of the Bank of Westminster. This stock was transferred on the books of said bank to Wayman and Stockett, *as trustees* under said will, for the benefit of Anne Jones, wife of Samuel Jones. This bank, by virtue of the acts of Assembly, explained and stated in 5 *Gill*, 356, *et seq.*, was afterwards divided into two branches, and its name and location changed, the mother bank under the name of The Farmers and Mechanics Bank of Frederick, being located at Frederick, and the branch continuing at Westminster, under the name of the Bank of Westminster. By this change, and through default of the banks, the stock in question, in 1829, stood upon the books of the mother bank at Frederick in the name of "*Anne Jones, wife of Samuel Jones,*" and on the 14th of June, 1830, the whole of it was transferred by said Jones and wife to various purchasers.

Wayman, one of the trustees, had notice of this illegal transfer a short time after it was made, and instead of bringing the matter to the notice of the court, proceeded to obtain reimbursement therefor, by receiving transfers of stock, &c., from Jones, and after his decease in 1831, from his wife, as his administratrix, in the manner described in the opinions here reported, and it is chiefly as to his liability in the premises that the questions decided in these opinions have reference. They were delivered by the *Hon. Nicholas Brewer*, Associate Judge of the third judicial district, to whom the cause was certified by the Chancellor, (he having been of counsel in the cause,) upon exceptions to the reports and accounts of the Auditor. These exceptions are numerous and lengthy, but need not be stated, as the substance of the most important of them sufficiently appears from the opinions themselves.]

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OPINION BY JUDGE BREWER :

The Court of Appeals, in this case, have determined that the Farmers and Mechanics Bank of Frederick and the Bank of Westminster, are eventually liable to the *cestui que trusts* for the amount of the stock transferred by Jones and wife by